

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LUCAS CALIXTO, et al.

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
THE ARMY, et al.,

Defendants.

Civil Action No.18-1551 (ESH)

DEFENDANTS' STATUS REPORT

In accordance with the Court's Order entered on August 13, 2018 (ECF No. 23), Defendants respectfully submit this bi-weekly status report. The Court's order requires Defendants to provide bi-weekly status reports "with any updates regarding [1] the Army's policy with respect to administrative separation procedures applicable to DEP and DTP members, as well as [2] any intention to discharge any DEP or DTP members in accordance with this policy." Order (ECF No. 23) at 2.

1. The Army's October 26, 2018 policy memorandum (ECF No. 50-1), with regard to MAVNIs who receive unfavorable MSSRs and/or MSSDs, remains in effect and has not been changed or otherwise amended.
2. As noted in Defendants' Notice Regarding Defendants' Production of Files in Accordance with the Court's June 25, 2019 Order (ECF No. 113), the United States Army Reserve Command (USARC) recently determined that only 13 DTP MAVNI recruits had been discharged from the U.S. Army for non-MSSD reasons between June 1, 2017 and May 30, 2019 because, during that time period, only 13 DTP MAVNIs had received both a United States Army

Recruiting Command (USAREC) discharge order and a USARC discharge order. DTP MAVNIs who have not received orders issued by USARC have not been discharged from the U.S. Army. DTP MAVNI recruits identified during the USARC review of DTP discharges as not having received a USARC discharge order and, thus not discharged from the U.S. Army Reserve will, if processed for separation, be processed according to the applicable procedures outlined in AR 135-178. The Army is reviewing the USARC discharges for the 13 DTP MAVNIs to determine accession standard eligibility.

3. As of the date of this report, the Army has not initiated any administrative separations pursuant to the October 26, 2018 policy memorandum (ECF No. 50-1).

Dated: July 22, 2019

Respectfully submitted,

JESSIE K. LIU
D.C. Bar # 472845
United States Attorney

DANIEL F. VAN HORN
D.C. Bar # 924092
Chief, Civil Division

By: _____/s/
JEREMY A. HAUGH
Special Assistant United States Attorney
555 4th Street, N.W.
Washington, D.C. 20530
(202) 252-2574
Jeremy.Haugh@usdoj.gov

Attorneys for Defendant